

DEPARTMENT OF CHILD SUPPORT SERVICES

AKA: Deadbeat Parents

What is Child Support?

In a case of parents living apart, both parents have a legal responsibility to provide for the financial support of their children. The Department of Child Support Services (DCSS) is empowered to establish, enforce and arrange payment to bring “deadbeat parents” into compliance with court orders. DCSS receives orders from the court in cases of divorce, or when a child is born out of wedlock, if the child is residing with the custodial parent and support is ordered from the non-custodial parent. The Grand Jury reviewed DCSS procedures and effectiveness in the collection of child support payments and in the recovery of payments in arrears from the non-custodial parent to insure that the financial needs of the child are met.

ORIGIN

The Grand Jury selected the Department of Child Support Services from among San Luis Obispo County agencies that have not been reviewed within the last five years.

AUTHORITY

California Penal Code §925 states: “The grand jury shall investigate and report on the operations, accounts, and records of the officers, departments, or functions of the county including those operations, accounts, and records of any special legislative district or other district in the county created pursuant to state law for which the officers of the county are serving in their ex officio capacity as officers of the districts. The investigations may be conducted on some selective basis each year, but the grand jury shall not duplicate any examination of financial statements which has been performed by or for the board of supervisors pursuant to Section 25250 of the Government Code; this provision shall not be construed to limit the power of the grand jury to investigate and report on the operations, accounts, and records of the officers, departments, or functions of the county”.

METHOD

The Grand Jury interviewed the Director of Child Support Services, and reviewed documents, brochures, organizational chart, budgets and performance measures. In addition, the Grand Jury consulted the California Family Code, Section 17304, which prescribes the duties and powers of county departments of child support services (See Appendix A).

NARRATIVE

The Role of the Court:

When a child is living with the custodial parent, that parent can petition the court to order the legal non-custodial parent to make payments for the support of their child. These payments may be based on the income of both parents and the amount of time each parent spends with the child. Payments also include factors such as cost of living and expenses, e.g. childcare, medical and dental services, transportation and health insurance. When payments are in dispute, an appeals process allows for the non-custodial parent to petition the court for new orders.

Services of DCSS:

The role of DCSS is to carry out court orders for payments of child support. In some cases, spousal support may also be included. DCSS may be required to locate a missing parent, to establish legal paternity and to collect and distribute payments. DCSS may request modification of orders if either parent's financial situation changes. If necessary, DCSS can impose enforcement measures on the uncooperative parent including garnishment of wages, suspension of driver's license and, as a last resort, imprisonment. The District Attorney prosecutes approximately twenty parents per month for nonpayment of child support.

Deadbeat Parents:

Locating missing parents involves the use of the Federal Parent Locator Service, a database that tracks all new employment nationwide. A Federal Case Registry is being compiled to locate missing parents. DCSS can use Social Security numbers, driver license applications, law enforcement records, military service records, and credit reports in the search. They may also contact current and previous employers. Although there is interstate cooperation for the collection and location of assets through the Uniform Interstate Family Act, if a parent leaves the

country, it compounds the problem. Once a parent is found, paternity must be established in every case in which the father is named. DCSS uses all means available including DNA testing to establish legal paternity.

CONCLUSION

DCSS acts responsibly and in the best interests of the child, by promptly and effectively locating missing parents and establishing, collecting and distributing the support ordered by the court from the non-custodial parent.

DCSS will seek to modify payments as situations change or as disputes arise. Every effort is made by the department to settle disputes before bringing the case back to the court.

Based upon a limited examination of the DCSS budget, it appears that this department manages its financial resources responsibly. According to data provided by the director, San Luis Obispo County's DCSS ranks among the highest in California for the recovery of child support payments based on statewide reporting standards.

REQUIRED RESPONSE

This is an informational report. No formal response is required.